

TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
 LSA Document #11-194

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#), which describes types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also provide notice of a public hearing before the Water Pollution Control Board (board) concerning this [IC 13-14-9.5-1.1](#) rule review. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) and [327 IAC 2-1.5](#) concern water quality standards rules required under the Clean Water Act (CWA) in order for the state to have delegation for the National Pollutant Discharge Elimination System (NPDES) program;
- (2) [327 IAC 5-2](#) establish the basic NPDES rules required under the CWA; and
- (3) [327 IAC 8-2](#) and [327 IAC 8-2.6](#) establish drinking water standards and enhanced filtration and disinfection rules for public water supply required under the Safe Drinking Water Act in order for the state to have delegation for conducting public water supply programs.

No element of the listed rules imposes either a restriction or requirement on persons to whom the draft rule applies that is not imposed under federal law. These rules are authorized under [IC 13-18-3-2\(a\)](#) and [IC 13-18-3-11](#).

The CWA is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. Similarly, the SDWA is the authority for drinking water standards. Indiana is a delegated state under the SDWA for programs related to public drinking water and must have rules approved by the federal government.

LIST OF RULES

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

ARTICLE 2. WATER QUALITY STANDARDS

Rule 1. Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System

- [327 IAC 2-1-5](#) Exception to quality standards applicability
- [327 IAC 2-1-8.1](#) Calculation of criteria for toxic substances; general
- [327 IAC 2-1-8.2](#) Determination of acute aquatic criteria (AAC)
- [327 IAC 2-1-8.3](#) Determination of chronic aquatic criterion (CAC)
- [327 IAC 2-1-9](#) Definitions
- [327 IAC 2-1-13](#) Development of site-specific aquatic life criteria using the recalculation procedure

Rule 1.5. Water Quality Standards Applicable to All State Waters Within the Great Lakes System

- [327 IAC 2-1.5-2](#) Definitions
- [327 IAC 2-1.5-6](#) Bioaccumulative chemicals of concern

327 IAC 2-1.5-10	Methods of analysis
327 IAC 2-1.5-11	Determination of Tier I aquatic life criteria
ARTICLE 5.	INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES
Rule 2.	Basic NPDES Requirements
327 IAC 5-2-1.5	Incorporation by reference
327 IAC 5-2-11.1	Establishment of water quality-based effluent limitations for dischargers not discharging to waters within the Great Lakes system
327 IAC 5-2-11.2	Public notice of comment period and public meetings for site-specific modification of water quality criteria and values; implementation of antidegradation; alternate mixing zone demonstrations; variances
327 IAC 5-2-11.4	Great Lakes system dischargers total maximum daily loads; wasteload allocations for point sources; load allocations for nonpoint sources; preliminary wasteload allocations
327 IAC 5-2-11.5	Great Lakes system dischargers determination of reasonable potential to exceed water quality standards
327 IAC 5-2-11.6	Great Lakes system dischargers establishment of water quality-based effluent limitations (WQBELs)
327 IAC 5-2-13	Monitoring
327 IAC 5-2-15	Reporting requirements
ARTICLE 8.	PUBLIC WATER SUPPLY
Rule 2.	Drinking Water Standards
327 IAC 8-2-4	Inorganic chemicals; maximum contaminant levels
327 IAC 8-2-4.1	Collection of samples for inorganic chemical testing
327 IAC 8-2-4.2	Analytical methods for inorganic chemical testing
327 IAC 8-2-5.1	Collection of samples for organic chemical testing other than volatile organic compounds and total trihalomethanes
327 IAC 8-2-5.2	Analytical methods for organic chemical testing other than volatile organic compounds and total trihalomethanes
327 IAC 8-2-5.5	Collection of samples for volatile organic compound testing other than total trihalomethanes; community and nontransient noncommunity water systems
327 IAC 8-2-8.5	Requirement for filtration and disinfection
327 IAC 8-2-8.7	Analytical and monitoring requirements; fecal coliform, total coliform, turbidity, disinfection
327 IAC 8-2-9	Radium-226, radium-228, and gross alpha particle radioactivity; maximum contaminant levels
327 IAC 8-2-10.1	Analytical methods for radioactivity
327 IAC 8-2-10.2	Monitoring frequency for radioactivity; community water systems
327 IAC 8-2-10.3	Best available technologies, small systems compliance technologies (SSCTs), and compliance technologies by system size category for radionuclides
327 IAC 8-2-13	Reporting requirements; test results and failure to comply
327 IAC 8-2-34	Maximum contaminant level goals; inorganic contaminants
327 IAC 8-2-34.1	Maximum contaminant level goals; radionuclides
Rule 2.6.	Enhanced Filtration and Disinfection
327 IAC 8-2.6-1	General requirements; enhanced filtration and disinfection
327 IAC 8-2.6-2	Disinfection profiling and benchmarking for systems serving a population of at least 10,000 individuals
327 IAC 8-2.6-2.1	Disinfection profiling and benchmarking for systems serving a population of fewer than 10,000 individuals beginning January 1, 2005
327 IAC 8-2.6-3	Enhanced filtration

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments. Mailed comments should be addressed to:

LSA Document #11-194 (2011 WPCB Nonsunset rule review)

MaryAnn Stevens

Rules Development Branch

Office of Legal Counsel

Indiana Department of Environmental Management

100 N. Senate Ave.

MC 65-41

Indianapolis, IN 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office

of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Room N1301, Indianapolis, Indiana.

Comments also may be submitted by facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the letter submitted through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by May 20, 2011.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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